

REMARKS/ARGUMENTS

Claims 1-34 are currently pending in the application. Claims 1-4 and 24-34 have been provisionally rejected on the ground of non-statutory, obviousness-type double patenting as allegedly being unpatentable over U.S. application Ser. No. 10/692,699. Claims 9, 16-21, 24 and 29-32 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Appl. Publ. No. 2004/0003285 to Whelan et al. Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Appl. Publ. No. 2003/0186679 to Challener et al. in view of U.S. Patent Appl. Publ. No. 2005/0021740 to Bar et al. The Examiner has indicated, however, that claims 5-8 are allowed and that claims 10-15, 22, 23, 25-28 and 33-34 would be allowable if rewritten in independent form.

As a preliminary matter, Applicants submit herewith an Information Disclosure Statement identifying references cited in certain commonly owned patents and patent applications, including U.S. application Ser. Nos. 10/407,370 and 10/692,699, as well as U.S. Patent No. 7,212,837.

Applicants further submit herewith a terminal disclaimer to overcome the provisional rejection based on U.S. application Ser. No. 10/692,699.

Applicants have amended claim 9 to include "emulating the rogue access point and transmitting connection-terminating frames at a repetition interval to terminate connections." Claim 16 has been amended in a similar manner. Both claims 9 and 16 were amended in the manner identified above in response to the Examiner's indication that claim 22, as originally filed, recited allowable subject matter. Accordingly, Applicants submit that, since claims 9 and 16 contain similar limitations to original claim 22, that these claims and all claims that depend from claims 9 and 16 are allowable. Similarly,

Applicants have amended claim 24 to include subject matter similar to claim 25, which the Examiner has indicated recites allowable subject matter. Accordingly, Applicants submit that claims 25 to 34 contain allowable subject matter. Applicants submit claims 1-8 without amendment. Claims 19 and 25 have been canceled.

Rejection of Claims 1-4

Applicants request reconsideration of the rejection of claims 1-4 in view of Challenger and Bar. Claims 1 -4 are allowable over Challenger and Bar, because the proposed combination does not teach the claimed subject matter.

To establish a *prima facie* case of obviousness, "the prior art must teach or suggest all the claim limitations." MPEP § 2143; see also MPEP § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Neither Challenger nor Bar disclose identifying a rogue client associated with a rogue access point, and then using the rogue client address to locate the port to which the rogue access point is connected. Challenger discloses identifying a rogue access point, but does not disclose identifying a client (rogue client) of the rogue access point. Bar does not disclose detection of rogue access points or clients. Rather, Bar discloses a system for identifying computer systems generally that host malicious code, and for locating and disabling the port to which an infected computer system is connected. However, Bar does not disclose identifying a port to which a rogue access point is connected by querying a network for the traffic associated with a rogue client associated with the rogue access point. Accordingly, claims 1-4 are allowable over the cited references.

In light of the foregoing, Applicant believes that all currently pending claims are

Appl. No.: 10/611,660
Amdt. Dated July 31, 2007
Response to Office Action of May 17, 2007

presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Respectfully Submitted,
LAW OFFICE OF MARK J. SPOLYAR
By

/Mark J. Spolyar/
Mark J. Spolyar
Reg. No. 42,164

Date: July 31, 2007
Customer Number: 30505
Law Office of Mark J. Spolyar
2200 Cesar Chavez St., Suite 8
San Francisco, CA 94124
415-826-7966 / 415-480-1780 fax